

United States District Court

DISTRICT OF DELAWARE

UNITED STATES OF AMERICA

v.

EULALIA AMPARO-PADILLA

Criminal Complaint

CASE NUMBER: 07- 32M-MPT

I, the undersigned complainant, being duly sworn, state the following is true and correct to the best of my knowledge and belief. On or about February 20, 2007 in New Castle County, in the District of Delaware, defendant, a citizen and national of the Dominican Republic, having been removed from the United States to the Dominican Republic on January 6, 1998, and having been convicted of an aggravated felony on or about January 13, 1994, was found in the United States, specifically New Castle County, Delaware, and that, prior to her re-embarkation at a place outside the United States, neither the United States Attorney General nor the Undersecretary for Border and Transportation Security, Department of Homeland Security, had expressly consented to the defendant's re-application for admission, in violation of Title 8 United States Code, Section(s) 1326 (a) & (b)(2).

I further state that I am a(n) Special Agent, U.S. Dept. Of Homeland Security, Bureau of Immigration & Customs Enforcement
 Official Title

and that this complaint is based on the following facts:

See attached Affidavit

Continued on the attached sheet and made a part hereof: Yes



Signature of Complainant
 William O. Horn, Special Agent
 U.S. Immigration & Customs Enforcement

Sworn to before me and subscribed in my presence,

February 20, 2007

Date

at Wilmington, DE

City and State

Honorable Mary Pat Thyng
 United States Magistrate Judge
 Name & Title of Judicial Officer

Signature of Judicial Officer

AFFIDAVIT

I, William O. Horn, being duly sworn, depose and say:

1. I am a Special Agent with the United States Department of Homeland Security, Bureau of Immigration & Customs Enforcement (ICE), Dover, Delaware. I have been employed as a Special Agent since October 1, 1997, when I was employed by the Immigration and Naturalization Service (INS). The INS was transferred to the U.S. Department of Homeland Security as the Bureau of Immigration & Customs Enforcement in March 2003.

2. This investigation is based on information provided by State of Delaware government agencies, INS/ICE records, and my own observations and interviews.

3. In February, 2005, ICE Agents were notified that one Juana SANTOS was in the custody of the State of Delaware on criminal charges (possession with intent to distribute). When the FBI number assigned to SANTOS was checked in an Immigration database, that number was shown to relate to Eulalia AMPARO-Padilla, a citizen of the Dominican Republic who had previously been deported from the United States following her conviction of an Aggravated Felony. At that point, an Immigration detainer was served on the State of Delaware, requesting that ICE be notified when AMPARO was to be released from State of Delaware custody.

4. On February 20, 2007, after serving her sentence in Delaware, Eulalia AMPARO-Padilla was turned over to ICE, and your affiant interviewed her, under oath, regarding her criminal and Immigration records, and her presence in the United States. She stated that her true and correct name is Eulalia AMPARO-Padilla, that she is a native and citizen of the Dominican Republic, that she was deported from the United States on January 06, 1998, and that she did not request advance permission to reapply for admission to the United States.

5. On February 20, 2007, the subject's fingerprints were submitted to ICE and the FBI via ICE's Integrated Automated Fingerprint Identification System (IAFIS), and the fingerprints matched those of Eulalia AMPARO-Padilla, A93 028 376, FBI Number 323955TA8. The FBI record references Juana SANTOS as an alias.

6. Your affiant has reviewed the alien file, A93 028 376, relating to Eulalia AMPARO-Padilla, and found that the file contains an executed Form I-205, showing that AMPARO was removed from the United States to the Dominican Republic on January 06, 1998, from New York City. Your affiant found no evidence of any filings for permission to reapply for admission to reenter the United States after having been removed.

WHEREFORE, your affiant avers there is probable cause to believe that Eulalia AMPARO-Padilla, a citizen and national of the Dominican Republic, was previously removed by INS to the Dominican Republic on January 06, 1998, and that, prior to her reembarkation at a place outside the United States, neither the United States Attorney General nor the Undersecretary for Border and Transportation Security, Department of Homeland Security, had expressly consented to such alien's reapplying for admission, in violation of Title 8, United States Code, 1326(a) and 1326(b)(2).



William O. Horn
Special Agent
U.S. Immigration & Customs Enforcement